

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

CRP.No. 298 of 2002()

AA.152/1998 of A.A.(LAND REFORMS),TRIVANDRUM
SM.7/1994 of LAND TRIBUNAL, TRIVANDRUM
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REVN. PETITIONER: APPELLANT:

VATTIYOORKAVU GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
VATTIYOORKAVU, TRIVANDRUM.

BY ADV. SRIJ.S.AJITHKUMAR

RESPONDENTS: RESPONDENTS:

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1. SANTHAKUMARI AMMA, SREEVILAS,
KODUNGANOOR, THIRUVANANTHAPURAM.
 2. HELEN, D/O. GRACY, FLOWER HOUSE,
PUTHENKURICHY, KADINAKULAM VILLAGE.
 3. PAUL CHRISTY, DO. DO.

R1 BY ADV. SRI.G.S. RAGHUNATH

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No.298 OF 2002 A

Dated this the 14th August, 2007.

O R D E R

The revision petition is preferred against the order of the appellate authority, Thiruvananthapuram in A.A.152/98. The said appeal was preferred against the order of the Land Tribunal, Thiruvananthapuram in SM 7/94. The revision petitioner is the Vattiyoorkavu Grama Panchayat. Its grievance is that it has filed an impleading application and the Tribunal as well as the appellate authority erroneously proceeded to decide the matter without impleading the panchayat. A perusal of the appellate authority's order would show that the claim of the panchayat is to the effect that the property intended to be assigned in favour of the respondent in the appeal belonged to the panchayat. Learned counsel for the revision petitioner submits that there was a surrender of the property by the owner to the panchayat and therefore there was no right for anybody to get assignment of the property under the provisions of the Kerala Land Reforms Act. When the panchayat has raised such a contention the Tribunal should have allowed the impleadment and permitted the panchayat to continue the proceedings and substantiate its contentions. It is really relevant for the determination

of the issue before the Tribunal for the reason that suppose the person to whom the property to be assigned has no right over the property on the date of the assignment or earlier, it may not be justifiable on the part of the land tribunal to give a certificate of purchase in favour of that person. No prejudice, or injury would be caused to any of the parties by impleadment of the panchayat and attempting to hear its case on merits. Therefore, I find the orders of the court below suffers from infirmity and therefore they are liable to be set aside. In the result the C.R.P is allowed and the order of the land tribunal as well as the appellate authority is set aside and a direction is given to the land tribunal concerned to hear the party viz., the revision petitioner and dispose of the matter in accordance with law. In order to enable the revision petitioner to have a say on this case the impleadment petition also stands allowed. If the SM petitioner, suo motu petitioner or the respondent wants to file any objection regarding the contention of the panchayat they may be also permitted to adduce evidence and produce documents in support of their respective contentions and the matter be disposed of in accordance with law, after hearing all the parties. Parties are directed to appear before the court below and in case of

non-appearance of any of the parties the Tribunal shall give notice to them at the expense of the panchayat and then proceed to dispose of the case in accordance with law.

M. N. KRISHNAN
Judge